THE MYSORE ACQUISITION OF LAND (FOR GRANT OF HOUSE SITES) BILL, 1972.

(L.A. Bill No. 32 of 72)

A Bill to provide for acquisition of lands for granting house sites to weaker sections of the people in the State.

Whereas it is expedient to provide for the acquisition of lands for the public purpose of granting house sites to the weaker sections of the people in the State and for purposes connected therewith;

Be it enacted by the Mysore State Legislature in the Twenty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Mysore Acquisition of Lands (for grant of House Sites) Act, 1972.

(2) It shall come into force at once.

2. *Definitions.*—In this Act unless the context otherwise requires,—

(1) "Deputy Commissioner" includes any officer specially appointed by the State Government to perform the functions of a Deputy Commissioner under this Act;

(2) "notification" means a notification published in the official Gazette;

(3) "prescribed" means prescribed by rules made under this Act;

(4) "weaker sections of people" means persons belonging to the Scheduled Castes or Scheduled Tribes, landless labourers and such other class or classes of persons as the State Government may, having regard to their economic backwardness, by notification, specify;

(5) the expression "land" and the expression "person interested" shall have the meanings respectively assigned to them in the Land Acquisition Act, 1894 (Central Act 1 of 1894) as amended by the Land Acquisition (Mysore Extension and Amendment) Act, 1961.

3. *Acquisition of land.*—(1) If at any time, in the opinion of the State Government any land is required for the purpose of providing house sites to the weaker sections of people who are houseless the State Government may, by notification give notice of its intention to acquire such land.

(2) On the publication of a notification under sub-section (1), The State Government shall serve notice upon the owner or where the owner is not the occupier, of the land and on all such persons

known or believed to be interested therein to show cause, within thirty days from the date of service of the notice, why the land should not be acquired.

(3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein, and after giving such owner and person an opportunity of being heard, the State Government may pass such orders as it deems fit.

(4) After orders are passed under sub-section (3), where the State Government is satisfied that any land should be acquired for the purpose specified in the notification issued under sub-section (1), a declaration shall, by notification in the official Gazette, be made to that effect.

(5) On the publication in the official Gazette of the declaration under sub-section (.), the land shall vest absolutely in the State Government free from all encumbrances.

(6) Where any land is vested in the State Government under sub-section (5), the State Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notive.

(7) If any person refuses or fails to comply with an order made under sub-section (5), the State Government or any officer authorised by the State Government in this behalf may take possession of the land and may for that purpose use such force as may be necessary.

5. *Amount payable.*—(1) Where any land is acquired by the State Government under this Act, the State Government shall pay for such acquisition an amount in accordance with the provisions of this section.

(2) Where the amount has been determined by agreement between the State Government and the person whose land has been acquired, it shall be paid in accordance with such agreement.

(3) Where no such agreement can be reached, the State Government shall refer the case to the Deputy Commissioner for determination of the amount to be paid for such acquisition as also the person or persons to whom such amount shall be paid.

(4) On receipt of a reference under sub-section (3), the Deputy Commissioner shall serve notice on the owner or occupier of such land and on all persons known or believed to be interested herein to appear before him and state their respective interests in the said land.

6. *Application of Central Act 1 of 1894.*—The provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) as amended by the Land Acquisition (Mysore Extension and Amendment) Act, 1961 shall , *mutatis mutandis,* apply in respect of enquiry and award by the Deputy Commissioner, the reference to Court, the apportionment of amount and the payment of amount in respect of lands acquired under this Act.

7. *Delegation of powers by the State Government.*—The State Government may, by notification, delegate subject to such conditions and restrictions as may be specified in such notification, any of its powers under this act except the power to make rules under section 8, to any of its officers.

8. *Rules.*—(1) The State Government may, by notification make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in section for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is o laid or the essions immediately tely following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date on which the modification or annulment is notified by the State Government in the official Gazette have effect only in such modified from or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Statement of Objects and Reasons

The Government of India have recently introduced a scheme for provision of house sites to families of landless workers in rural areas under which 100 per cent assistance is provided to the States towards acquisition of land and also towards development of house sites upto Rs. 150 per site.

2. The State Government have decided to implement the scheme on a massive scale and have issued orders in Government Order No. DPC 15 DRH 72.

3. In order to implement the scheme expeditiously the lands required for the purpose have to be acquired without delay.

Memorandum Regarding delegated Legislation

1. *Clause 7.*—This clause 7 empowers the State Government to delegate by notification any of its power under the Act except the power to make rules under section 8 to any of its officers subject to such conditions and restrictions as may be specified.

2. *Clause* 8.—This clause empowers the State Government to make rules for carrying out the purpose of the Act.

The rules made by the State Government will be laid before both the Houses of the State Legislature and are subject to modification by the Legislature.

The delegation of the proposed legislative power is of a normal character.

B. BASAVALINGAPPA.

TE. HANUMANTHAPPA,
Secretary.

WD 18847—GPB—550—28-12-73